## Cyber Bullying PIC

#### Counterplan Text: Public colleges and universities in the United States ought not restrict constitutionally protected speech, except for cyberbullying.

#### Cornwell 12 [Paige Cornwell (collegiate correspondent), "Cyberbullying remains an issue on campus," USA Today, 2/23/2012]

According to the Cyberbullying Research Center, half of all young people have been bullied through electronic means. In a study conducted at Indiana State University, 22% of college students reported being cyberbullied, while 9% reported cyberbullying someone else, according to the school’s news release. Kansas University student Erica Austin said cyberbullying isn’t something college students grow out of. “I would say cyberbullying is an issue on all school campuses, whether it be elementary or college.” Austin said. “I think that on college campuses it is often not seen or heard so it gets overlooked, probably because college students are older and do not tell many people what is going on. Or they keep it to themselves because they feel they can handle it.” Students interviewed agreed that that, though progress has been made, universities can still do more to prevent cyberbullying for its students. “With all this technology being so new-age and at the tip of a person’s fingers, it could be a bigger problem,” Carmona said. “Just one that isn’t broadcast around.”

#### Cyberbullying is protected by the first amendment.

Aaron Short 14 (journalist for NY Post). “Cyberbullies Get First Amendment Protection”. NY Post, July 1, 2014. http://nypost.com/2014/07/01/cyberbullies-get-first-amendment-protection-from-court/ RC

**Bullies** hiding **behind computer** screens **now have the First Amendment to protect them. The state’s highest court** on Tuesday **struck down a**n Albany County **law that criminalized cyberbullying**, crimping government efforts to crack down on electronic harassment. In a 5-2 ruling, **the Court of Appeals ruled that the** local **law was “overbroad” and trampled free-speech rights of online tormentors.** “Although the First Amendment may not give defendant the right to engage in these activities, the text of Albany County’s law envelops far more than acts of cyberbullying against children by criminalizing a variety of constitutionally protected modes of expression,” the decision said. County legislators passed the law in response to an Albany-area teen who created a Facebook page to harass and embarrass classmates in 2010. The ruling will force New York City’s lawmakers to change tactics. **“I’m not happy with the court’s decision,”** said City Councilman Mark Weprin (D-Queens). **“Your right to throw a punch ends at someone else’s nose and I think your right to post an insult should end where it affects a child’s mental state.”**

**Anti-cyberbullying laws key to prevent cyberbullying – squo solves and checks off campus behavior**

**Patchin 10**. [Justin W. Patchin, [Professor of Criminal Justice in the Department of Political Science at the University of Wisconsin-Eau Claire], 09/28/10, "Cyberbullying Laws and School Policy: A Blessing or Curse?," Cyberbullying Research Center, http://cyberbullying.org/cyberbullying-laws-and-school-policy-a-blessing-or-curse]

Many schools are now in a difficult position of having to respond to a mandate to have a cyberbullying policy, without much guidance from the state about the circumstances under which they can (or must) respond. When folks ask me if I think **there needs to be a “cyberbullying law” I** basically respond by saying “perhaps – but not the kind of law most legislators would propose.” I would look for **a law to be more “prescriptive” than “proscriptive.”** By that, I mean I would like to see specific guidance from states **about \*how\* and \*when\* schools can take action in cyberbullying incidents**. Many states have taken the easy way out by simply passing laws saying effectively “schools need to deal with this.” Not only have they stopped short in terms of providing specific instructions or even a framework from which schools can evaluate their role, but they have not provided any additional resources to address these issues. Some states are now requiring schools to educate students and staff about cyberbullying or online safety more generally, but have provided no funding to carry out such activities. Unfunded mandates have become cliché in education, and this is just another example. Moreover, school administrators are in a precarious position because they see many examples in the media where schools have been sued because they took action against a student when [they shouldn’t have](http://scholar.google.com/scholar_case?case=11823789731281752339&hl=en&as_sdt=2&as_vis=1&oi=scholarr) or they failed to take action when [they were supposed to](http://cyberbullying.org/schools-have-a-responsibility-to-proactively-stop-bullying). **Schools need help determining where the legal line is**. Many states already have existing criminal and civil remedies to deal with cyberbullying. Extreme cases would fall under criminal harassment or stalking laws or a target could pursue civil action for intentional infliction of emotional distress or defamation, to name a few. Bullying (whatever the form) that occurs at school is no doubt already subject to an existing bullying policy. To be sure, schools should bring their bullying and harassment policies into the 21st Century by explicitly identifying cyberbullying as a proscribed behavior, but they need to move beyond the behaviors that occur on school grounds or those that utilize school-owned resources. But in order to do this they need guidance from their state legislators and Departments of Education so that they draft a policy and procedure that will be held up in court. School, technology, and privacy lawyers disagree about what should (or must) be in a policy. It’s no wonder many educators are simply throwing their hands up. **We really like New Hampshire’s recently passed** [**bullying law**](http://www.gencourt.state.nh.us/legislation/2010/hb1523.html), even though like other efforts it demands a lot from schools without a corresponding increase in resources. This section is key: “Bullying or **cyberbullying** shall occur when an action or communication as defined in RSA 193-F:3: … (b) Occurs **off of school property or outside of a school-sponsored activity or event, if the conduct interferes with a pupil’s educational opportunities** or substantially disrupts the orderly operations of the school or school-sponsored activity or event.” This puts schools, students, and parents on notice that there are instances when **schools can discipline students for their off campus behavior.** It will take many years, though, before we will know if this law can be used as a model. Schools will need to pass policies based on the law; a school will then need to discipline a bully based on the new policy; then they will need to be sued; then the case will need to be appealed. Perhaps then the case will get to a significant enough court that it will matter. Hang on and see how it turns out. In the meantime, lobby your legislators to pass meaningful, prescriptive laws instead of laws that simply say “cyberbullying is wrong, now YOU do SOMETHING about it.” It’s election time, so I’m sure your local representative will be all ears…

#### Cyberbullying ruins lives—it destroys a student’s ability to participate in school, causes self harm, and further abuse later in life.

ETCB 16. “A Surprising Long-term Effect of Cyberbullying”. End To Cyber Bullying, 2016. http://www.endcyberbullying.org/a-surprising-long-term-effect-of-cyberbullying/

**If someone repeatedly tells the victim online that he or she is worthless**, useless, a waste of space or that he or she should kill themselves, soon **the victim might** – at least partially – **begin to believe it.** According to Psychcentral.com, **signs** that **someone is experience low self-esteem include:** • Self-critical or a negative opinion of themselves • Sensitivity to even constructive criticism • Fatigue, insomnia, headaches • **Poor performance at school** or work due to lack of trying or lethargy It is important for an individual to maintain a healthy self-esteem so that he or she can achieve in life. **A cyberbullying victim may miss out on opportunities because the victim believes he or she is unworthy of achievement.** It’s important to realize that these two effects go well beyond being in a bad mood and not liking something about oneself. Depression, Low Self-Esteem and Dating Abuse Research is inconclusive, but most would agree that people who are victimized in abusive dating relationships often choose those relationships because of their depression or low self-esteem. Findyouthinfo.gov states that past experience with stressful life events – cyberbullying, for example – can put someone at risk for entering an abusive dating relationship. This is especially true if the cyberabuse included abuse directed at a female victim’s sexuality, or lack thereof. **Feelings of worthlessness and a negative outlook on life can throw a previously-cyberbullied victim into yet another abusive relationship.** However, instead of faceless strangers and bullies dolling out abuse, it would be the victim’s significant other. **Dating abuse can encompass many forms of abuse, including cyberabuse.** According to Dosomething.com, other forms of abuse in dating relationships include: • Physical abuse – in the form of “hitting, punching, slapping, biting” and anything that causes physical pain. • Mental abuse – in the form of verbal putdowns and belittling. The abuser might call their victim names, “make threats, or accuse the other person of cheating.” • Emotional abuse – in the form of control over the victim’s “behavior, personality, and life.” • Sexual abuse – in the form of unwanted touching, pressuring the victim to have sex, or rape. It’s getting harder to track cyberbullying since most people make their online profiles and social networking pages private. Also, apps like Snapchat would allow cyberbullies to attack their victim and have the evidence wiped away within seconds. According to this tech expert, “Users are drawn to the impermanence of the site’s uploads and the anonymity that impermanence provides.” However impermanent the actual abusive message may be, the lasting effects of the abuse upon the psyche of the victim are anything but impermanent.